

LUZERNE COUNTY BOARD OF ELECTIONS AND REGISTRATION

AGENDA

April 27, 2022 at 5:00 P.M.

Council Meeting Room

Luzerne County Courthouse

200 N. River Street Wilkes-Barre, PA 18701

And

Video/Teleconference via ZOOM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF AGENDA

PUBLIC COMMENT ON AGENDA ITEMS

This is an opportunity for members of the public to address the Board on matters listed on the agenda. (Limited to 4 minutes & one comment time per person) Please refer to the Board of Elections and Registration Online page of County's Website at <https://www.luzernecounty.org/1282/ABC-Meetings-Online> for information on how to participate in Public Comment via technology.

APPROVAL OF MEETING MINUTES FROM: April 5, 2022 (Pre-Canvassing/Canvassing) April 11 & 12, 2022 (Special Meeting -Adjudication of Ballots with Deficiencies, Provisional Ballots and Write-in Adjudication) & April 18, 2022 (Special Meeting for Certification of Special Election) (pp. 2 -12)

AGENDA ITEMS - BUREAU OF ELECTION

1. Hazleton Ward 5 / Terrace Plaza - Poll Change & for What Election - Information & Board Vote
2. May Primary Election Ballot Drop Box Locations - Information
3. Explanation of Differences/Similarities Between Absentee & No-Excuse Mail-in Ballots and How They are Processed/Returned - Information
4. May Primary Logic & Accuracy Testing - Information
5. Nursing Home/Personal Care Home Letter on Mail-in Ballot Returns for Primary-Information

6. Review of Poll Workers (5) Requested by Board to Determine Status of Being Government Employee or Elected Official - Information
7. Addition of Question to Online Poll Worker Interest Form: "Are You a Government Employee or Elected Official?" - Status
8. May 17th Primary Election Status - Information
9. The Election Group - Summary Report - Status
10. Judge of Elections who Work Two Polls - Paid Twice?

AGENDA ITEMS - BOARD OF ELECTIONS & REGISTRATION

1. Election Related Complaint: "Allegation of Person Present at a Poll that Wasn't Their Poll" - Status - Board Vote to Affirm Referral to DA's Office
2. Campaign Finance Website Reports (AF)- Status/Discussion
3. Polling Place Privacy Shields (AF) - Information/Discussion/Possible Board Vote
4. Use of "Sharpies" for Mail-in Ballots and at Polls (for Provisional Ballots)-(AF)- Discussion/Possible Board Vote
5. Official Website Results for November 2021 General Election - (DW) - Status?
6. Polling Place Contracts (AF) - Information/Discussion/Possible Board Vote
7. Daily Mail Pick-Up at Election Bureau During Mail-in Ballot Receiving Times- (DW) - Information/Discussion/Possible Board Vote
8. Election Bureau Mail Opening - Temps. Or Election Bureau Staff- (DW) - Information/Discussion/Possible Board Vote
9. Polling Place Surveys - (DW) - Overview/Information
10. Ballot Drop Box Security - (AF) - Information/Discussion/Possible Board Vote
11. Board Member Request for S.U.R.E. Access - (DW) - Information/Discussion/Possible Board Vote
12. Special Election - Follow Up on Court Ordered Extension for 305 Impacted Mail-in Ballot Recipients - (DW) - Information
 - a. Mandatory Mail-in Ballot Tracking Information for all Election Bureau Employees (DW) - Information/Discussion/Possible Board Vote
 - b. Mandatory Mail-in Ballot File Processing Comparison/Verification Between Election Bureau and Mail-in Vendor - (DW) - Information/Discussion/Possible Board Vote
13. Website Page for Submission of Election Related Complaints - (DW) - Information/Discussion/Possible Board Vote
14. May Primary Ballot Approval by Board - Information/Possible Board Vote
 - a. To view 2022 Primary Election Sample Ballots go to:
<https://www.luzernecounty.org/DocumentCenter>

COMMENT ON NON-AGENDA ITEMS

This is an opportunity for members of the public to address the Board on matters not listed on the agenda but which must be within the subject matter jurisdiction of the Board. Please refer to the Board of Elections and Registration Online page of County's Website at <https://www.luzernecounty.org/1282/ABC-Meetings-Online> for information on how to participate in Public Comment via technology.

MOTION TO ADJOURN

ADJOURNMENT

LUZERNE COUNTY BOARD OF ELECTIONS

AND REGISTRATIONS SPECIAL MEETING

MINUTES APRIL 11, 2022

CALL TO ORDER 10:01 AM

PLEDGE OF ALLEGIANCE

ROLL CALL

Audrey Serniak yes, Alyssa Fusaro yes, Danny Schramm yes, Denise Williams yes

APPROVAL OF AGENDA

Motion to approve by Alysa Fusaro 2nd Danny Schramm, unanimous

PUBLIC COMMENTS (4 minutes)

None

ADJUDICATION

Denise Williams reviewed the process: The category will be presented, the solicitor will review the law and guidance and give recommendations, the Board members will discuss, the Party Representatives will give their opinions, the Board will then vote.

Party Reps: Republicans-PJ Pribula, Democrats-Bob Caruso, Libertarians-Michelle Marino

DECLARATION DEFICIENCIES-DATE

Declaration Deficiencies-Date Issues

Mike Susek advised there were three ballots where the voter did not sign the outer envelope

Paula Radick recommended they be rejected

Board agreed; Paarty Reps agreed

Motion to reject by Audrey Serniak 2nd Danny Schramm

DS yes, AS yes, AF yes, DW yes, unanimous

Declaration Deficiencies-Date Out of Range

Mike Susek advised the date range is 3/18-4/5/2022; there are eight ballots

Paula Radick advised that the Board should look at each outer envelope and make a determination

Board Discussion- AF said that today's date is required

DW voting on voter's intent; SCOTUS that every common sense rationalization should be used to accept a ballot

Party Reps-BC, Dem-clearly mistakes, no intent of fraud; MM, Lib-agrees; PP, Rep-agrees that mistake but must take into account precedent and public's distrust of election, they need to be correct

Board-AF voters were given the opportunity to cure

AS-using intent and current case law they should be accepted

DS-the date stamps and postmarks are all ok; people can use different formats

DW-determining voter intent is part of our job; rejection must be used sparingly

Motion to accept the eight ballots with dates out of range made by Audrey Serniak

2nd Danny Schramm

AS yes, AF no, DS yes, DW yes, 3 yes 1 no, motion passes

Motion to vote on each one of the out of range ballots made by Alyssa Fusaro

2nd Danny Schramm

AF yes, DS yes, DW no, AS no, tied, motion fails

Declaration Deficiencies-Missing Signatures

Mike Susek reported three envelopes with missing signatures.

Paula Radick advise they should not be counted.

AS-don't count. AF, DW, DS agreed; Party Reps agreed

Denise Williams moved to reject the three ballots without signatures 2nd Danny Schramm

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Denise Williams yes

Unanimous

Missing Dates-Sixteen Ballots

DW stated we voted to reject these ballots

Motion to amend the motion to reject the three ballots without dates to include the sixteen without dates for a total of nineteen without dates 2nd Alyssa Fusaro

Audrey Serniak yes, Alyssa Fusaro yes, Danny Schramm yes, Denise Williams yes\

Unanimous

Date Out of Range-One additional Ballot

Denise Williams moved to amend the motion to accept the eight ballots with a date out of range to include an additional ballot for a total of nine ballots with a date out of range

2nd Danny Schramm

Alyssa Fusaro no, Danny Schramm yes, Audrey Serniak yes, Denise Williams yes

3 yes, 1 no, motion passes

SECRECY ENVELOPE DEFICIENCIES

Naked Ballots

There were eleven ballots without a secrecy envelope, Paula Radick recommends they be rejected

Board agrees not to count, Party Reps agreed

Alyssa Fusaro moved to reject the eleven ballots without a secrecy envelope

2nd Danny Schramm

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Denise Williams yes

Unanimous

Ballots Without Outer Envelopes

There were two ballots in the secrecy envelopes but not in outer envelopes

Paula Radick advised the law said to reject

Board and Party Reps agree

Denise Williams moved to reject the two ballots not in outer envelopes 2nd Danny Schramm

Audrey Serniak yes, Alyssa Fusaro yes, Danny Schramm yes, Denise Williams yes, unanimous

Ballots in Secrecy Envelopes but Not Sealed

There were two; Paula Radick advised the law requires a secrecy envelope but there is no requirement that it be sealed, it is up to the Board to examine and decide whether or not to count

After discussion both the Board and Party Reps decided there was not tampering

Danny Schramm moved to accept the two ballots in secrecy envelopes that were unsealed

2nd Audrey Serniak

Alyssa Fusaro yes, Danny Schramm yes, Audrey Serniak yes, Denise Williams yes, unanimous

Checked accepted ballots for secrecy envelope deficiencies.

One was naked and one had ID marks and two were partially sealed.

Denise Williams moved to amend the motion to reject the eleven naked ballots to include one additional naked ballot for a total of twelve. 2nd Alyssa Fusaro

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Denise Williams yes, unanimous

Denise Williams moved to amend the motion in which we accepted the two unsealed envelopes to include an additional two ballots for a total of four ballots 2nd Danny Schramm

Audrey Serniak yes, Alyssa Fusaro yes, Danny Schramm yes, Denise Williams yes, unanimous

ID marks on secrecy envelopes that are disqualifying include names, party and candidate preferences. There were two ballots.

Denise Williams moved to reject the one ballot with ID marks on the secrecy envelope

2nd Alyssa Fusaro

Alyssa Fusaro yes, Danny Schramm yes, Audrey Serniak yes, Denise Williams yes, unanimous

One secrecy envelope had marks which were not identifying marks

Motion to accept ballot with marks on the secrecy envelope that were not identifying marks made by Audrey Serniak 2nd Danny Schramm

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Denise Williams yes, unanimous

OTHER

ID Not Verified

Denise Williams moved that if the four voters do not bring the required ID by the end of the day they won't be counted 2nd Alyssa Fusaro

Audrey Serniak yes, Alyssa Fusaro yes, Danny Schramm yes, Denise Williams yes, unanimous

No Signature in SURE

Three ballots; do not know if they receive a letter; Paula Radick recommended we reach out to the DoS, letters may have been sent automatically; they were also on the Cure list

Board-Alyssa Fusaro says the signature is the 'gold standard' and they received notice to cure

Party Reps-problem with Legacy to SURE transfer and the process needs to be corrected

Motion to amend the the four ID not verified to add the three with no signature for a total of seven made by Denise Williams 2nd Alyssa Fusaro

Alyssa Fusaro yes, Danny Schramm yes, Audrey Serniak yes, Denise Williams yes, unanimous
Ballot from 2020 General Election

Alyssa Fusaro moved to reject the ballot from the 2020 genral election 2nd Audrey Serniak
Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Denise Williams yes, unanimous
Ballot with Note They Will Vote in Person

Alyssa Fusare moved to reject the the mail in ballot with the note that they would vote in person
2nd Danny Schramm

Audrey Serniak yes, Alyssa Fusaro yes, Danny Schramm yes, Denise Williams yes, unanimous
One Ballot Which Cannot Be Entered in SURE

This seems to be a system problem

Denise Williams moved that the ballot which couldn't be processed in SURE be tabled until the Board
receives further information 2nd Danny Schramm

Alyssa Fusaro yes, Danny Schramm yes, Audrey Serniak yes, Denise Williams yes, unanimous

LUNCH-12:45-1:15 PM Resumed 1:35 PM

PROVISIONALS-There were fourteen provisionals.

Two ballots with no outer envelopes; Paula Radick recommended they not be counted

Motion by Denise Williams not to count the two ballots without outer envelopes

2nd Alyssa Fusaro

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Denise Williams yes, unanimous
Registered Out of County

One ballot; Paula Radick recommended it be rejected

Motion by Alyssa Fusaro to reject the ballot due to wrong county 2nd Danny Schramm

Audrey Serniak yes, Alyssa Fusaro yes, Danny Schramm yes, Denise Williams yes, unanimous

Vote By Provisional in Wrong Ward Due to Poll Opening Late

One ballot; recommended that it be duplicated in the correct ward and counted

Motion made by Denise Williams to duplicate the ballot and count in correct ward

2nd Danny Schramm

Alyssa Fusaro yes, Danny Schramm yes, Audrey Serniak yes, Denise Williams yes, unanimous
Ballots Voted Provisionally at the Poll Because Did Not Surrender Paper Ballot

Provisionals-Ten total: two absentee and eight provisionals; Paula Radick suggested they be held and until tomorrow to insure they weren't included under the 305 ballots that received a court ordered extension.

Denise Williams so moved 2nd Danny Schramm

Danny Schramm yes, Audrey Serniak yes, Alyssa Fusaro yes, Denise Williams yes, unanimous

PUBLIC COMMENT

None

MOTION TO ADJOURN

Denise Williams 2nd Alyssa Fusaro, Unanimous

Adjourned 1:58 PM

SPECIAL MEETING CONTINUED APRIL 12, 2022

10: AM

Denise Williams, Danny Schramm, Alyssa Fusaro, and Audrey Serniak present

There were 158 ballots received late. In comparing these ballots to the court-ordered list, 45 were one the list. Nine of those were not post-marked in time and 36 were post-marked in time

(April 4, 2022).

10:15 AM- Denise Williams unseals Judge Gelb's list. Denise Williams and Alyssa Fusaro compare the 36 ballots to the unsealed list and check for signatures and date range. All 36 are ok and will be flagged as received in the SURE system by the Bureau.

Board discussion on Dominion scanning machine settings. They are set to the state's standards. The Board had previously voted on the write-in process which is to only list names if the total number of write-ins will effect the outcome of a race.

There were no ID issues with the 36 ballots and they were opened to check the security enveoples.

ID issues-Bureau obtained a work around to record the one ballot with the system issue and it is ok to process.

Of the 36 ballots under the court order, all had secrecy envelopes. One was unsealed.

Motion by Denise Williams to accept the ballot from the court ordered group that was unsealed

2nd Alyssa Fusaro, unanimous.

One ballot envelope contained a partial ballot..Board said ok to process the 35 ballots with no issues and they were scanned.

Regarding the partial ballot-Paula Radick advised that this ballot could be duplicated and the duplicate scanned . It needs to be marked as 'duplicate'.

The Bureau looked for other damaged ballots that could be duplicated and counted and found two.

Paula Radick advised that if a ballot is scanned, the bubble has to be filled-in for the vote to count.

There were no military or overseas ballots received for the Special Election.

Of the four ballots that were held pending receipt of proper ID, staff advised three had been verified. Of those, one did not have a secrecy envelope. Two ballots can be counted.

Denise Williams moved to scan the two of the three that the voter provided ID and reject the naked ballot 2nd Allyssa Fusaro, unanimous.

One Ballot That Vote Screen Wouldn't Come Up-DoS was able to give the Bureau staff a workaround so the ballot could be processed.

Three Ballots with No Signature on File-One was part of the data migration and three were blurred. Not counted. The Bureau will reach out to the voters to try to obtain the signatures.

Three ballots will be duplicated; two were damaged and one was voted in the wrong ward.

PROVISIONALS

Three ballots were good

Three ballots where the outer envelopes were not sealed.

Motion made by Allyssa Fusaro to reject the three provisionals with unsealed outer envelopes

2nd Danny Schramm, unanimous

Three ballots were missing the Judge of Elections or Minority Inspector signatures.

Allyssa Fusara moved to reject the three provisionals with missing Judge of Elections or Minority Inspector signatures 2nd Danny Schramm, unanimous

One provisional ballot did not contain a voter signature in the second spot.

Motion by Denise Williams to reject the provisional ballot without the second voter signature

2nd Danny Schramm, unanimous.

Three provisional ballots will be counted.

LUNCH 1:10 -2:00 PM

EXECUTIVE SESSION

2:02-2:47 PM to discuss a complaint at a polling place

Votes from Election Night

Arroyo 1252 Schnee 2797 Cwalina 211 Wrote-ins 721 Plus 54 adjudicated

Since the number of write-ins will not effect the election, the 'scatter' procedure will be used.

Adjudicated write -ins until 4:05 AM

April 13, 2022,9:05 AM

Denise Williams, Danny Schramm, Alyssa Fusaro, and Audrey Serniak present

Denise Williams reported that Mike Larocca had emailed asking if the Board would be listing names.

Alyssa Fusaro pointed out that if there was a court challenge the Board would have to do more work. Audrey Serniak advised that we don't have a 'declared candidate' procedure and we should not change the current process for a possible court challenge; accommodating possible challenges hasn't worked well for the Board in the past.

Denise Williams made a motion that the Board will continue the scattering process that has been used for write-ins: all write-in votes will be put in a scatter category when the total number of

write-in votes will not impact the outcome of the race. 2nd Danny Schramm

Alyssa Fusaro yes, Danny Schramm yes, Audrey Serniak yes, Denise Williams yes, unanimous

Write-ins Ballots Completed 11:35 AM

See below for Election Day Notes

LUZERNE COUNTY BOARD OF ELECTIONS

AND REGISTRATIONS MEETING

NOTES APRIL 5, 2022

9:07 AM-Precanvassing starts; Audrey Serniak and Danny Schramm present; Denise Williams and Alyssa Fusaro at the Bureau.

9:15 AM-Denise Williams and Alyssa Fusaro at pre-cavassing.

10:25 AM-DS left (coffee for workers) DW, AF, and AS decide that if a signature matches the name on the front of an envelope, the ballot doesn't need to be cured even if there is another crossed-out signature.

10:27 AM-Issue of unsealed secrecy envelopes; law state that the ballot must be in a secrecy envelope but doesn't specify that it be sealed; the Board voted to accept those ballots at the 2021 General Election; DW, AF, and AS voted to process these ballots.

10:42 AM-DS returned.

11:00 AM- DW, DS, and AF to the Bureau to process ballot curing lists.

11:50 AM-Tray 13-missing date found at opening and extraction; count on tracking slip corrected.

12:25 PM-DW, AF, DS return to third floor.

12:15 PM-Room locked for lunch.

2:10 PM- DW, AF, DS, and AS present as pre-cavassing continues.

2:20 PM-Complaint about poll worker reported by AF; Bureau will follow-up.
2:25 PM-DW, AS, and AF to Bureau to prepare culling list; DS at pre-canvassing.
3:00 PM-DW and DS leave; AF to Bureau, AS at pre-canvassing.
3:23 PM-Room locked.
7 PM-AF at Bureau; DW, DS, and AS at pre-canvassing.
7:15 PM-Ballots from the mail and drop box at Penn Place done. Room locked.
8:05 PM-DW, DS, AF, and AS at Bureau; no other ballots returned to Penn Place drop box.
10:15 PM-DW, DS, and AS depart for the day. AF remained for final work and shut down.

LUZERNE COUNTY BOARD OF ELECTIONS
AND REGISTRATIONS SPECIAL MEETING
MINUTES APRIL 18, 2022

CALL TO ORDER 10:03 AM

PLEDGE OF ALLEGIANCE

ROLL CALL

Alyssa Fusaro yes, Danny Schramm no Audrey Serniak, yes, Denise Williams yes

EXECUTIVE SESSION

Denise Williams announced that on April 12, 2022 2:02-2:47 PM the Board held an executive session to discuss a complaint; no deliberations took place.

APPROVAL OF AGENDA

Motion to approve made by Audrey Serniak 2nd Alyssa Fusaro, unanimous

PUBLIC COMMENTS (4 minutes)

None

CERTIFICATION OF THE SPECIAL ELECTION

Alyssa Fusaro moved to certify the special election for the 116th Legislative District Representative in Luzerne County Pennsylvania 2nd Audrey Serniak

Audrey Serniak yes, Alyssa Fusaro yea, Denise Williams yes, unanimous

PUBLIC COMMENTS (4 minutes)

None

MOTION TO ADJOURN

Alyssa Fusaro 2nd Audrey Serniak, unanimous

ADJOURNED 10:07 AM